

**To:** McCabe, Janet[McCabe.Janet@epa.gov]; McGrath, Shaun[McGrath.Shaun@epa.gov]  
**From:** Giles-AA, Cynthia  
**Sent:** Fri 3/18/2016 11:51:12 AM  
**Subject:** RE: Call w/ Bryce Bird and Brock LeBaron on Monument Butte

That's fine. Probably good to connect the state air people with the NEPA people too, since they don't seem to understand that. The purpose of NEPA here is for BLM to evaluate impacts of a BLM decision to lease. NEPA can reveal that the impacts are too significant and thus BLM could decide not to approve the lease on that basis. That seems like what we see here – the air quality impacts of approving the lease are large (which is what is revealed in the NEPA analysis), so without more there would be a basis for BLM to deny the lease as having significant public health impacts. The mitigation idea (which is used in NEPA all the time, and is part of the rules and guidance from CEQ) is to look for ways to reduce the impacts to a level that would make the project approvable. That's what is happening here. If a company refuses to mitigate significant harms, the agency (here BLM) is faced with the choice whether to deny the application. We are trying to find a way to yes, and seems like there is a pretty common sense way to do that.

Note that Jim Martin is representing the company.

**From:** McCabe, Janet  
**Sent:** Friday, March 18, 2016 7:42 AM  
**To:** Giles-AA, Cynthia <Giles-AA.Cynthia@epa.gov>; McGrath, Shaun <McGrath.Shaun@epa.gov>  
**Subject:** Fwd: Call w/ Bryce Bird and Brock LeBaron on Monument Butte

Cynthia, Shaun--

Below is the summary of the call Carl convened with HQ and UT air officials on Butte.

I'll be seeing Gina this morning and can report to her if that's ok with folks.

Sent from my iPhone

Begin forwarded message:

**From:** "Page, Steve" <[Page.Steve@epa.gov](mailto:Page.Steve@epa.gov)>  
**Date:** March 18, 2016 at 7:17:43 AM EDT  
**To:** "McCabe, Janet" <[McCabe.Janet@epa.gov](mailto:McCabe.Janet@epa.gov)>  
**Cc:** "Koerber, Mike" <[Koerber.Mike@epa.gov](mailto:Koerber.Mike@epa.gov)>  
**Subject:** Fwd: Call w/ Bryce Bird and Brock LeBaron on Monument Butte

Follow up to your request that we join Carl's meeting with Bryce and Brock.

Begin forwarded message:

**From:** "Daly, Carl" <[Daly.Carl@epa.gov](mailto:Daly.Carl@epa.gov)>  
**Date:** March 17, 2016 at 8:29:45 PM EDT  
**To:** "Page, Steve" <[Page.Steve@epa.gov](mailto:Page.Steve@epa.gov)>, "Koerber, Mike" <[Koerber.Mike@epa.gov](mailto:Koerber.Mike@epa.gov)>, "Rao, Raj" <[Rao.Raj@epa.gov](mailto:Rao.Raj@epa.gov)>  
**Subject:** Fwd: Call w/ Bryce Bird and Brock LeBaron on Monument Butte

FYI

Carl Daly 303-312-6416

Begin forwarded message:

**From:** "Daly, Carl" <[Daly.Carl@epa.gov](mailto:Daly.Carl@epa.gov)>  
**Date:** March 17, 2016 at 5:23:44 PM MDT  
**To:** "McGrath, Shaun" <[McGrath.Shaun@epa.gov](mailto:McGrath.Shaun@epa.gov)>  
**Cc:** "Jackson, Scott" <[Jackson.Scott@epa.gov](mailto:Jackson.Scott@epa.gov)>, "Razzazian, Christopher" <[Razzazian.Christopher@epa.gov](mailto:Razzazian.Christopher@epa.gov)>, "O'Connor, Darcy" <[oconnor.darcy@epa.gov](mailto:oconnor.darcy@epa.gov)>, "Card, Joan" <[Card.Joan@epa.gov](mailto:Card.Joan@epa.gov)>, "Strobel, Philip" <[Strobel.Philip@epa.gov](mailto:Strobel.Philip@epa.gov)>  
**Subject:** Call w/ Bryce Bird and Brock LeBaron on Monument Butte

Shaun

I had a call with Bryce Bird and Brock LeBaron with the UT Division of Air Quality this afternoon to compare notes on the Monument Butte project.

Chris Razzazian, our Air Program NEPA reviewer, joined me and Raj Rao from OAQPS also was on the call representing Steve Page.

I went over the background on EPA's discussions with BLM on the Monument Butte

project and the letters to BLM from Newfield's attorneys. Brock was familiar with Newfield's letters. I explained the "Balance Sheet" approach that the NEPA Program has been discussing with BLM. Brock offered that the inventory tracking tool that UT DAQ developed could be used by BLM to show emissions decline (or growth). I responded that the UT tool may be able to be used although my understanding was that the approach we were discussing with BLM was for Newfield to track their own emissions year by year (versus the entire Basin's emissions) to allow their MB project to proceed (if their own emissions were not increasing).

Brock then also mentioned that there is some question from UT about the role of NEPA. Is it just to disclose impacts or does it require mitigation of impacts. I deferred that issue to our NEPA Program.

I noted the calls between the Governor and the Administrator. Bryce noted that he has heard that the Governor is concerned with royalty payments to the state that would decline if development is slowed on state land that is impacted by the BLM's NEPA analysis. He also added that Governor has heard that EPA is asking for mitigation that EPA wouldn't have the authority to require under the Clean Air Act. I responded that my understanding was that the approach EPA was asking BLM to consider would not require any specific mitigation (other than "applicant committed measures"), but rather the Balance Sheet approach where Newfield could find reductions from any source including existing regs (such as NSPS OOOO) and future regs (such as if we finalized a U&O FIP).

Bryce and Brock both still thought that the DEQ position was one of support regarding EPA issuing rules to control existing oil and gas sources on the U&O Reservation, but they could not speak for the Governor's office. They did not have any information regarding the potential meeting next week and noted that the Governor's energy advisor was handling that.

Carl Daly, Director

Air Program

303-312-6416